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GET STUPID: FILM AND LAW VIA WIM WENDERS AND OTHERS

*Nathan Moore**

There are two infinities: God and stupidity.

—Edgard Varèse¹

Why don't you try being stupid, instead of smart?

—*James Chance & the Contortions*²

Toward the end of Alfred Hitchcock's 1942 film *Saboteur*, there is a scene that sets out the problem with which this Article is concerned. Pursuers chase Frye, one of the villains of the piece, into a packed movie theatre where a film is showing. The film within the film features gun play between its protagonists. While this is occurring on-screen, Frye opens fire on his pursuers in the movie theatre itself. Initially the theatre audience does not realize that the gun play is now going on around them, and takes the noise to be the soundtrack of the film. For a time, the audience does not distinguish between the film they are watching and the commotion actually occurring around them.³

Are we to say that the film audience has fallen into error? That they have failed to maintain the integrity of the line between "reality" and "fantasy"? We can certainly say this, but in doing so we would be falling into error ourselves were we to believe such a view to be exhaustive of what Hitchcock—or more specifically, *Saboteur*—shows us. It is not a question of reality and fantasy, but a problem of *realities*. The audience does not discern two realities—the reality of their situation in the theatre and the reality of the film they are watching—but a single reality, where the film they are watching extends beyond itself

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¹ See ALAN CLAYSON, EDGARD VARÈSE 95 (Sanctuary 2002).

² From the no wave classic *Contort Yourself: JAMES CHANCE AND THE CONTORTIONS*, on *White Cannibal* (Roi 2000).

³ *SABOTEUR* (Universal Pictures 1942).

to cover over or subsume the reality of the gun play around them. However, in saying “cover over” or “subsume” we already run into difficulties, because these words suggest the film is hiding something that is yet unknown or undistinguished. In short, these words suggest error. However, if one insists on the reality of film, then this idea of error—that error is a lack of truth, knowledge, facts, or statistics—must be dispensed with.

Saboteur is showing us something that is difficult to think within our normal frames of reference. This thing is not error but *stupidity*. The difficulty of thinking of stupidity is that, not being as one with error, stupidity is not the absence of knowledge but rather, as Deleuze says, a structure of thought in its own right.⁴ The film audience in *Saboteur* is not simply making an error—if it were, it is hard to imagine why this would be worth showing—but is touching upon stupidity as a structure of thought. Necessarily it follows that as an audience for *Saboteur* or any other film, we are equally involved in touching upon stupidity in watching a film. This stupidity is twofold: It is the stupidity of getting caught up in a film, of “escaping” from our present reality by entering into the reality of the film; and (more profoundly) it is the stupidity of thinking that we can make such a distinction in the first place, that there is a clear difference between the filmic reality and another encompassing reality of the “real world.”

I. WHAT IS STUPIDITY?

As Avital Ronell makes clear in her study *Stupidity*,⁵ to ask what stupidity is is already a stupid question. Only a stupid person would need to ask. But let us suppose that philosophy itself has never been able to answer this question and consequently has never avoided asking it; that it has always and already been in the clutches of stupidity, because stupidity is a structure or quality of thought in its own right. This structure has at least three parts, but their interrelation is not stable. The first two are easy enough. The structure of stupidity includes a “narrowing down,” limiting capacities so that something specific can come into focus. Stupidity includes the partiality, the particularity, the perspective, the very body of sense from which knowledge of anything

⁴ GILLES DELEUZE, *DIFFERENCE AND REPETITION* 151 (P. Patton trans., Columbia University Press 1994).

⁵ Ronell writes early on that “stupidity, as Musil has demonstrated exhaustively, at least initially produces itself when approached.” AVITAL RONELL, *STUPIDITY* 7 (Univ. of Ill. Press 2002). It’s a point that, given the nature of stupidity, has to be continuously remade: As Ronell subsequently writes, “The consistent untimeliness and out-of-placeness of the question, ‘What is stupidity?’ is only intensified by the fact that it admits no resolute literary or scientific rejoinder.” *Id.* at 72.

is able to proceed.⁶ At the same time, it is the undifferentiated mass of the unknowable—not in the sense of a finite darkness painstakingly rolled back by enlightened progress, but in the infinite lack of distinction that would make something an object of perception or thought: It is the overload of what is, where nothing is discernible.

Finally, there is a sort of “in-between” of these two poles, where stupidity is, in a sense, made active, forcing knowledge to confront its own limit but also to go beyond that limit, to risk what is currently unformed as thinkable. We can find this tendency in Nietzsche, whose refusal of a benign will to truth, of a happy accord, makes stupidity the alternative bargain where something will have to remain not just unsaid, but also unseen and unknown, to allow for something else to become possible. Hence, the “falseness of an opinion is not for us any objection to it . . . [t]he question is, how far an opinion is life-furthering, life-preserving”⁷ Stupidity is caught up in the problem of useful fictions. This line of thinking surfaces in Deleuze, who addresses the problem of stupidity directly, finding (as we will see below) that stupidity offers what might be called a creative potential to the extent that it delineates something without giving it a clear form: a sort of fuzzy logic.

In which case, the most acceptable philosophical impulse would seem to be to make problematic that which we would do best to remain ignorant of, what we inevitably must remain ignorant of: How, and to what extent, we are prepared to dupe ourselves in any given situation? However, stupidity is not merely ignorance,⁸ despite the fact that—as any student of tort law knows—neither carries the ability to excuse action. It is in this lack of an excuse that the unthinkable—that is, stupidity—can flash through the mind, remaining beyond our grasp but nevertheless informing us of our incapability, our limits, of what Badiou calls the “animal.” Ronell writes that rather than a limit to knowledge, stupidity consists “in the absence of a relation to knowing.”⁹ Later she argues that one of the traits of the stupid is their blindness.¹⁰ Nevertheless, the philosopher, if one understands Nietzsche to be a philosopher, is the one who does try to reflect on this stupidity, who does attempt to achieve a kind of seeing immanent to its blindness. So it is a mirror that will never reflect clearly but will be something uncanny, a tremor of forgery, a shiver of misrecognition. A philosopher crosses no limits, but rather seeks a relation to that which is the absence

⁶ *Id.* See the Introduction in particular.

⁷ FRIEDRICH NIETZSCHE, *BEYOND GOOD AND EVIL* 3 (H. Zimmern trans., Dover Publ'ns 1997).

⁸ RONELL, *supra* note 5, at 29.

⁹ *Id.* at 5.

¹⁰ *Id.* at 18 (“No mirror yet has been invented in which they might reflect themselves.”).

of any relation, an accord with discord, contracting without authority: to be without excuse or justification, to have “nothing to admit”. . . blind justice and so on.

In which case, we can make Hitchcock an honorary philosopher—why not? What does the scene in *Saboteur* show us? The stupidity of the movie audience in not recognizing the gun shots as *real* gun shots? We should doubt that Hitchcock was so benevolent. Rather, Hitchcock (again, it would be better to say the film itself) is calling us, the audience of *Saboteur*, stupid. Stupid, not merely for thinking that we know more than the audience in the film, but mostly for thinking that there is any difference between us, the “real” audience and those up on the screen, the “fantasy” audience. In seeing what the audience fails to see, in knowing what they have failed to know, we have already bought into the reality of what we are watching: We have ourselves failed to discern fantasy and reality. This is no mere mistake in the sense of ignorance, of not knowing something we should know. This failure to discern is the merging of reality and fantasy, the point at which they pass through each other. It is a vague flash, lightning seen by the blind, the dislocation that Hitchcock exploits as the condition of suspense.¹¹

For Deleuze, philosophy has traditionally subsumed stupidity under the category of error, thereby preserving the integrity of the “faculties” of common sense—error and stupidity are then diversions external to common sense (and what goes with common sense: truth and the benevolence of the will to truth), leaving the latter unsullied.¹² All that is needed is for the truth to be revealed, for us to see the error of our ways, and we will be brought back into the fold of righteousness. Even criminologists do not believe this anymore! In which case: What is stupidity exactly? As I noted above (and following Ronell, much like the blind leading the blind) Nietzsche attributes a restraining function to stupidity, making it act as a selector limiting the chaos of the world so that we can act usefully on the basis of what we do not know.¹³ In other words, there is something about stupidity and partiality, dumb locatedness. However, we do not advance very far, inasmuch as we do not become less stupid, if we think that the problem is then one of establishing a sort of multicultural perspective able to take account of each placement, to “include” each location. It is no less stupid to seek the whole, or universal harmony. That is just population control. It is not a matter of thinking the relationship between the species and an exemplary “I,” but instead the problem of thinking the universal dimension of the individual¹⁴: not a collection of perspectives, but the

¹¹ As the joke goes: How do you keep an idiot in suspense? I’ll tell you later.

¹² DELEUZE, *supra* note 4, at 148-53.

¹³ NIETZSCHE, *supra* note 7, at 4.

¹⁴ DELEUZE, *supra* note 4, at 151-52.

perspective upon perspective as such.¹⁵

Deleuze includes the confusion of stupidity and error as one of the characteristics of what he terms the “image of thought.”¹⁶ Crudely, the image of thought is the move by which that which grounds thinking, that which enables its occurrence, is necessarily placed outside of that thinking so that the latter might function. The image of thought is all that which must be mutely presupposed for a thinking to function as such: in which case it would be stupid to pose one image of thought against another. Instead, the problem is to reach the unthinkable, the point at which all images merge in a universal vitalism or will to power. For Deleuze this means forgetting the “I” (and any collection of “I’s”) in favor of individuation.¹⁷ Individuation can be thought of as the process that any “I” depends upon, but it is a sort of brute power far greater than the capabilities of any single “I” or collection of them:

Individuation as such, as it operates beneath all forms, is inseparable from a pure ground that it brings to the surface and trails with it. . . . Stupidity is neither the ground nor the individual, but rather this relation in which individuation brings the ground to the surface without being able to give it form¹⁸

This raising to the surface without form is an event that ushers in new possibilities for life, the inventing and setting of new problems in science, art, or philosophy,¹⁹ indicating that “we do not know,” but crucially, in a manner which is completely novel and unlike what we did not know in the past. Yet more than this, it is the inexhaustibility of what we now, for the first time, do not know—it goes beyond ignorance in the traditional sense (error), compelling a new inventiveness that is more than formless, but nevertheless not a form, not an “opposing” image of thought. The problem is created, but the solutions are not yet discovered.

II. WHAT IS CINEMA?

In *The Emergence of Cinematic Time*,²⁰ Mary Ann Doane contributes to the exploration of a problem in which many answers

¹⁵ For more on this theme, see Anne Bottomley & Nathan Moore, *Blind Stuttering: Diagrammatic City*, 17 GRIFFITH L. REV. 559 (2008).

¹⁶ DELEUZE, *supra* note 4, at 129-67.

¹⁷ *Id.* at 13.

¹⁸ *Id.* at 152.

¹⁹ See GILLES DELEUZE & FÉLIX GUATTARI, *WHAT IS PHILOSOPHY?* (G. Burchall & H. Tomlinson trans., Verso 1994).

²⁰ MARY ANN DOANE, *THE EMERGENCE OF CINEMATIC TIME: MODERNITY, CONTINGENCY, THE ARCHIVE* (Harv. Univ. Press 2002).

remain to be discovered: What is cinema?²¹ Doane traces the modernity of early cinema and finds the medium exemplifies the tension between two temporal logics: that of history, or more to the point, the archive; and the present, contingent event. The tension here is at its keenest when considered as a question of what it is worth knowing—is it worth knowing (and hence recording and preserving) everything, including the most banal, everyday events, or is it only worth knowing what is exceptional, unusual, and rare? Of course this quickly leads to the difficulty of determining what divides the banal from the exceptional, and the possibility that filming itself might be an important mode of selection (at least in the early days of cinema); however, it is this basic tension as to the value of knowing, finally irresolvable, that is of interest here.

Referring to Dai Vaughan's essay "Let There Be Lumière," Doane writes:

Vaughan perceives this spontaneity, the capacity to represent the unforeseen, as an exhilarating potential of the [early] cinema . . . But the ability to represent everything—both the planned and the unplanned—also constituted, as Vaughan suggests, a threat. The anxiety generated would be that of sheer undivided extension, of a "real time" without significant moments, of a confusion about where or why to look. If everything is recordable, nothing matters except the act of recording itself.²²

Is everything worth filming, or just the rarest things? This problem has become particularly persistent in the UK recently, with the increased use of closed circuit television (CCTV). The two defining moments of CCTV in England—the killing of Jamie Bulger and the preparation runs for the 7/7 attacks—demonstrate one thing: In the avalanche of filmed images,²³ these events did not appear until after the event. At the time, assuming that there was a CCTV operative looking at these images in real time, what was filmed (children leaving a shopping mall, young men with backpacks) was of no account—it didn't mean anything. At the time, not knowing what to film, it was impossible to determine what was worthy of the value "knowledge."

Cinema departs from mute witnessing with the technique of editing. However, this does not so much resolve the tension as shift it to another setting. We become less stupid about one thing by becoming more stupid about another. This new tension—between a pure image of

²¹ See DANIEL FRAMPTON, *FILMOSOPHY* (Wallflower Press 2006) (recently reposing this question and discussed in greater detail *infra*).

²² DOANE, *supra* note 20, at 65-66.

²³ This is more true by the time of the 7/7 attacks. The Bulger killing was given as a reason for the increased spread of CCTV. The camera obviously did not prevent anything, but it was crucial, so it is said, in bringing those responsible to account. See CLIVE NORRIS & GARY ARMSTRONG, *THE MAXIMUM SURVEILLANCE SOCIETY: THE RISE OF CCTV* 37 (Berg 1999).

what happens and the edited presentation of what happens—is exemplified by the concerns of one filmmaker in particular: Wim Wenders. Before discussing him, though, it is worth saying a little more about how cinema and stupidity are linked.

In *Filmosophy*,²⁴ Daniel Frampton instigates—or better, revives—a mode of thinking about film which recognizes that films are themselves modes of thought that exceed any thinking confined to subjectivist perspectives (whether the filmmaker’s, the character’s, the filmgoer’s or the camera’s). In other words, the film *thinks*, and in pursuing its own thought affects us, the viewer, so that we might begin to feel and think in new ways. In this sense, film shows us more than we can see:²⁵

[Cinema might] offer us not only certain rhythms of habitual life as the eye or ear recognises them, but those darker, slow-motion encounters with all that is concealed beneath things, the images—crushed, trampled, slackened, or dense—of all that swarms in the lower depths of the mind.²⁶

Frampton follows this by writing, “These are images that *we cannot think; images beyond our experience.*”²⁷ This goes beyond phenomenological theories of film, toward the thinking of Bergson and Deleuze. Aren’t those images beyond our experience precisely the ground that Deleuze speaks of being raised to the surface by individuation? The “crushed, trampled, slackened, or dense” images that are *without form*, but not exactly formless either—they are some thing. We could say the “ill-formed,” but that already presupposes a good and common form. Perhaps this is core of our stupidity: There is something that we must feel or be affected by, not merely beyond thought, but so that thought itself might occur (the image of thought). This affected, that we cannot think, is the body²⁸: that which keeps us chained to the earth, preventing our ideas from having omnipotent free reign, that keeps us stupid . . . luckily for us.

For Frampton, the potential of film is that it allows this thinking to occur beyond our experience, and in so doing, shows us the limits of ourselves. However, this is not simply a rational pleasure that ensures the dominance of the moral law—it is not the Kantian sublime—but is a

²⁴ See FRAMPTON, *supra* note 21.

²⁵ See *id.* at 66-67, 83. Frampton calls on both the history of cinema and the history of film criticism to present his argument, in part by reference to excellent pieces by Virginia Woolf and Antonin Artaud. See VIRGINIA WOOLF, *The Cinema*, in SELECTED ESSAYS 172 (David Bradshaw ed., Oxford Univ. Press 2008) (“The eye is in difficulties. The eye says to the brain, ‘Something is happening which I do not in the least understand. You are needed.’ Together they look . . .”); Antonin Artaud, *The Premature Old Age of the Cinema*, in 2 FRENCH FILM THEORY AND CRITICISM: A HISTORY/ANTHOLOGY 1907-1939 (Richard Abel ed., Princeton Univ. Press 1988).

²⁶ FRAMPTON, *supra* note 21, at 66-67 (quoting Artaud).

²⁷ *Id.* at 67.

²⁸ See generally RONELL, *supra* note 5 (exploring the link between stupidity and the body).

much riskier power, one that cannot be calculated in advance, of feeling and thinking otherwise:

Beyond our thinking film has its own speed and movement and attention of thinking. In the cinema our knowledge is detoured through images, even though it may have been expecting gains from more traditional linguistic routes—might we call this the imagistic brain bypass? Our knowledge may well be emancipated and energised by film in ways we never expect.²⁹

III. WHAT IS AN IMAGE?

Frampton presents film as a reality in its own right. This reality derives from the affective power of film, itself grounded in what film can think beyond human or conscious powers of thought. The film's "ability" to think is demonstrated somewhat circularly by the affective power it has on filmgoers.³⁰ However, being stupid, we need not worry about this circularity. Rather, what appears circular is nothing more than raising the ground to the surface without assuming a specific form. Following Deleuze, Frampton writes of a shock to the filmgoer's thinking and of a consequent possibility for something new to be felt or thought. The combination of film and filmgoer produces a new reality, with neither having the power to finally determine this reality:

The film's moving sound-image thinking has the *possibility* of meaning—we hold the only capacity to give meaning to film, by experiencing it. And the concept of the filmind does not presume a 'message': everything is intended but there is no message to be missed or misunderstood or completely, exhaustively understood. . . . The affective meanings of film-thoughts are gained, pragmatically, through use: through the filmgoer's changing, adaptive, contextual response to them.³¹

Film cannot therefore be limited to a matter of representation. It is not simply a representation of something else, of a superior and more real reality to be "read" or decoded by the filmgoer. Instead it is a "reality" by right, because it is already an inexhaustible power of affecting and forcing thought. The "meaning" of film is not dependent upon reference to a prior reality (be that, to divide arbitrarily and very crudely, the reality of the situation filmed or the intention and motives

²⁹ See FRAMPTON, *supra* note 21, at 201.

³⁰ However, Frampton is clear that the filmgoer is not a simple passive receiver of the film's images. Rather, the filmgoer is a crucial productive element in the film's thinking, acting as a kind of synapse in the film's brain. See *id.* at 167; see also GILLES DELEUZE, *The Brain is the Screen*, in TWO REGIMES OF MADNESS 282 (David Lapoujade ed., Ames Hodges & Mike Taormina trans., Semiotexte 2006).

³¹ See FRAMPTON, *supra* note 21, at 167-68.

of the filmmakers). Rather, than the undernourished reality of a hierarchy established by the *a priori* separation of model and copy, film is *not separated from what it shows*. Meaning is always in the film's future, dependent upon entering into a productive relay with those who will experience it. This future dimension results from the fact that film cannot be exhausted—what it means cannot be finally concluded as a record or archive of what it has meant.³² There will always be another possible meaning that precludes the possibility of speaking of error in relation to film. The possibility of error would depend upon the possibility of a correct reading of film that would itself be necessarily exhaustive. Only then could we say with confident reference and reverence that the thought or feeling engendered by a film was in error.

When we experience a film we feel and think, but because this thinking and feeling is not determinative or exhaustive of the film, we cannot place what we do not know or feel about the film outside of it. Our non-knowledge is, in this sense, internal to knowledge itself, and in at least two ways. First, the film is always larger than what we make of it, but second, it is also always smaller because it depends upon our experience of it to have affect—philosophically, it (what Frampton calls “filmbeing”)³³ occurs somewhere between these two points. Truth and falsity are not separated from each other, distinct and integral, but rather must pass through each other. Godard described it as there being no “just image,” but rather “just an image.”³⁴ In the same vein Deleuze connects this sentiment to Leibniz and Spinoza when he writes of all images passing through every other image, in a cosmic, universal variation.³⁵

We should be clear about this. Because the distinction “image-model” is rejected, we have to think of a universe made from *nothing but images*. Image no longer pertains to representation but instead involves nothing but contact or interface, the point at which different intensities intersect with each other. In these new combinations, new images come forth to combine with yet more images. Furthermore, every combination or image is inseparable from an intensity, affect, or feeling. This means that every image is made up of other images. However, this does not mean that there is a necessary hierarchy or

³² For more on the play of time and space in film, law, and painting, see generally Anne Bottomley, *Lines of Vision, Lines of Flight: The Belly of an Architect*, 31 CARDOZO L. REV. 1055 (2010).

³³ See FRAMPTON, *supra* note 21, at 38 (“[W]e need to understand film as issuing from itself. The film becomes the creator of its own world, not from a ‘point’ of view, but from a realm, a no-place, that still gives us some things and not others.”).

³⁴ HISTOIRE(S) DU CINÉMA: UNE HISTOIRE SEULE (Canal+ 1989).

³⁵ On universal variation, see GILLES DELEUZE, *CINEMA 1: THE MOVEMENT-IMAGE* 58 (Hugh Tomlinson & Barbara Habberjam trans., Athlone Press 2001) (1983) [hereinafter DELEUZE, *CINEMA 1*].

emanation of images. Deleuze's point is that at any given point, with any particular image, all images are "present" to a greater or lesser extent.³⁶

This does not mean that representation does not exist, but that we must come to think of representation as an image as well. This means that there are images, more stable or hardened than the rest, which involve the thinking and feeling of externality and finiteness. *However, they are not actually external or finite themselves.* We therefore cannot reject representation or simply say that it is bad, but we must understand that it is not the whole story. The image of exhaustion will often function usefully, as Nietzsche appreciated, narrowing things down "for us"—but it will never be the exhaustion of the image.

This also means that the image is not restricted to the visual component of film but operates at every level of its experience. The film itself, as a whole, can then be thought of as *an* image, constituted by myriad other images. This image combines with the filmgoer (who is also an image to the extent that she is nothing more than affecting affectivity) to produce new images. Therefore, we must equate image and affect. This is the line taken by Deleuze in his reading of Spinoza:

These affections are therefore images or corporeal traces first of all . . . and their *ideas* involve both the nature of the affected body and that of the affecting external body.³⁷

The affected and affecting bodies make an image, but they are themselves already formed of images.

IV. WHAT IS NARRATIVE?

While it is true to say that all images pass through every other image, it is also useful to think of images in the abstract, as isolated. This helps to avoid the potential trap of a *presence* of images, of thinking that there is only a beautiful harmony of images, a universal resonance where all secrets are revealed. By thinking of the image in the abstract we can understand that an image is not dependent upon being perceived by a consciousness; it does not reveal itself or give itself up in combining with other images. An image exists regardless of

³⁶ This theme of a universal variation of images occurs throughout Deleuze's work. See, in particular, DELEUZE, CINEMA 1, *supra* note 35; GILLES DELEUZE, THE FOLD: LEIBNIZ AND THE BAROQUE (Tom Conley trans., Athlone Press 1993); and GILLES DELEUZE, EXPRESSIONISM IN PHILOSOPHY: SPINOZA (Martin Joughin trans., Zone Books 1997) (1968).

³⁷ GILLES DELEUZE, SPINOZA: PRACTICAL PHILOSOPHY 48 (Robert Hurley trans., City Lights Books 1988). Deleuze goes on to clarify how the affection/image is durational, involving the time of an affected body moving from one state to another. The movement to a greater or lesser state of perfection is feeling or affect.

whether it is consciously perceived,³⁸ because no perception is capable of exhausting the image. This is why we must admit stupidity into the structure of thinking itself and not attempt to exclude it as simple error. Abstracting the image, we see that it exists on its own terms, cooperating to a greater or lesser extent with the images it combines with: In Spinoza's terms, some combinations increase intensities overall (joy), and some decrease intensities (sadness), but in either case, we must understand this increase or decrease as *qualitative* first and foremost.³⁹ In any combination, both will be present: intensities of both harmony and disharmony, of knowledge and stupidity . . . nothing but useful fictions.

Wim Wenders has encountered this problem in his film work and writings, although we should note that neither Wenders's writings nor Wenders the "man" explains the films he has been involved with. We can combine these things—film, writings, biography⁴⁰—and find such combinations of images useful for particular purposes. However, no claim is being made here that such combinations are necessary, correct, or exhaustive. For the purpose of this essay I will focus predominantly on the writing but will eventually have a little to say about film as well.

Wenders recounts that when he first began filming as a child, he would set up the camera and ideally let it film until the reel ran out. The camera was static, and other than the initial set up, no attempt was made by the young Wenders to influence what was filmed. This minimalist directing was an attempt to "show things as they are" and to "rescue the existence of things."⁴¹ We can see a strong strain of Romanticism in Wenders at this point, perhaps as he sought to rescue the plenitude of the world from the recent catastrophe of the Nazi regime.⁴² However, we can also discern a more profound thinking and feeling of images, the possibility that the filmed image can allow for something new to be thought. In filming: "[T]he gradual destruction of the world of

³⁸ See FRAMPTON, *supra* note 21, at 39-48 (discussing phenomenology and film). The classic work by Henri Bergson, where he sets out his concept of the image, is *Matter and Memory*. HENRI BERGSON, *MATTER AND MEMORY* (Nancy Margaret Paul & W. Scott Palmer trans., Dover 2004) (1912). For an interesting commentary on this book and an explication of why Bergson is not a phenomenologist, see SUZANNE GUERLAC, *THINKING IN TIME: AN INTRODUCTION TO HENRI BERGSON* (Cornell Univ. Press 2006).

³⁹ On the relation between quantities and qualities of power, see GILLES DELEUZE, *NIETZSCHE & PHILOSOPHY* (Hugh Tomlinson trans., Athlone Press 1983).

⁴⁰ An interesting film biography of Wenders is *One Who Sets Forth*, directed by Marcel Wehn. See *ONE WHO SETS FORTH* (INDI Film GmbH 2007). Wenders is an interesting man and does interesting things. However, nothing about him in this documentary "explains" the films he has been involved with, and in my opinion *One Who Sets Forth* rightly makes little attempt to do so.

⁴¹ WIM WENDERS, *WIM WENDERS: ON FILM* 159 (Faber and Faber 2001) (paraphrasing Béla Balázs).

⁴² Wenders was born in 1945. Like Herzog and Fassbinder, he describes his generation as being a fatherless one.

appearances is held up. The camera is a weapon against the tragedy of things, against their disappearing. Why make films? Bloody stupid question!"⁴³

In this holding up and prevention of disappearance, feeling and thinking can be allowed for. Subsequently, Wenders writes that film must leave space for its details to be discovered, and that which has the potential to clog up space—making everything obvious and unambiguous—is when the film exhausts its own interpretation, and the filmgoer is led by the nose. The particular danger is narrative or plot. To this end, Wenders becomes extremely resistant to plot, even to the extent of wanting to avoid editing shots and combining them. His dream is to show everything in a film as it happens in real time. Despite this, he recognizes early on that this desire is largely impossible. He recounts setting up the camera to film a railway track. While filming, a man unexpectedly runs across the track and disappears. For Wenders this revealed the inevitability of images giving rise to narrative and stories. This event, a man suddenly appearing in frame, suggested a course of events that the images could support:

[F]rom that moment on, I was pressed into telling stories. From then on and until the present moment, I have felt an opposition between images and stories. A mutual incompatibility, a mutual undermining. I have always been more interested in pictures, and the fact that—as soon as you assemble them—they seem to want to tell a story, is still a problem for me today.⁴⁴

Wenders goes on to say that despite his resistance to stories, he recognizes (in a manner we can compare to Nietzsche) that they serve a function as crucial lies—crucial because they aid our survival in the face of our “worst fears.”⁴⁵ Furthermore, they aid the construction of films, preventing the presentation of images from collapsing into a purely arbitrary chaos.⁴⁶ Here we return to the point made by Doane that there is a problem in the early history of cinema in determining what is worth filming. The danger, identified in modernism, is of being swamped in images without being able to establish any distance from them or impose any order upon them. This is the very big form of stupidity: the inability to differentiate when all is indistinguishable. However, Wenders finds that film seems to distinguish itself, individuating itself even if remaining initially formless. Wenders’s impulse is to simply film, without narrative and without editing, but even then stories seem to spring up like weeds. Wenders is between the two extremes that Doane describes:

⁴³ WENDERS, *supra* note 41, at 160.

⁴⁴ *Id.* at 211.

⁴⁵ *Id.* at 213.

⁴⁶ *Id.* at 213.

[P]lenitude poses a threat. A gap or interval is required and is found in the form of editing. On the other hand, the solution to the threat of the over-presence of the image—editing—generates its own anxieties about discontinuity and absence. As a reinscription of the gap between film frames, editing potentially constitutes a persistent reminder of the abyss of darkness that subtends cinema.⁴⁷

The narrative, achieved through editing and combining images, is in danger of overdetermining the images themselves. Yet, without narrative, the images are in danger of falling into meaninglessness. Either too much form, or not enough. What Wenders strives for is the activation or utilization of a space between, echoing Deleuze's individuation without form: something stupid, like the abyss at forty times a second.

Nevertheless, it is fair to say that while he recognizes the unavoidability of narrative, Wenders still favors the image: He still *trusts* the image more than the story. Inasmuch as the image clearly engenders the narrative, he is right to do so. The image is not only its own source, in the sense that it is not separated from what it shows, but it is also the source of narrative. In this latter case a separation is evident as the image becomes representation. However, representation cannot exhaust the image's capacity to both produce other representations and to combine with other images.

V. WHAT IS RHETORIC?

Wenders is concerned with what might be described as a power of falsity harbored in images. Images are not innately predisposed toward the good and the true, and this means that while they are not separated from themselves, no one image is a "whole." Images are always made up of combinations of images, so there can be no pure image, nor any final or concluding image. It is worth making the link between this dark power and the art of rhetoric, because then we can combine consideration of film with consideration of law—that is, we will indulge in the engendering of stupidity, the always indefensible co-joining of law and "... " that must be undertaken again and again precisely because it is indefensible, and unwelcome in the tribunal of reason.

Being an unwanted guest, and too stupid to even care, one is not interested to speak what is true, being content instead to speak *of* truth. However, this "of" does not distance us in the manner it might initially seem to, and it is not distinct from an "is" that would seem to place the speaker in the heart of truth itself, being the position from which one

⁴⁷ DOANE, *supra* note 20, at 185.

speaks. Rather, the stupid confuse the “is” and the “of” in pursuit of a reason that is either less or more modest than Socrates’ recognition of the narrowness of human thinking.⁴⁸ In other words, it is necessarily a matter of fabricating the truth, of making useful fictions. It must be stressed, we are “in” it while also being distanced from it as well; it is too little and too large. As post-modernism and post-structuralism have shown again, truth is not a fixed coordinate but demands constant perambulation, to-ing and fro-ing, being somewhere between here and there.

At this point, enter the sophist who utilizes rhetoric as the exploitation of language, putting words in motion so that we might *feel* their truth, being seized by the persuasiveness of their combination and force, and thus becoming affected by a meaning that does not predate the affect. Rhetoric deliberately confuses things to make them clearer, refusing to recognize its place, nor the place of a philosophy that demands that a clear and static distinction be made between it and sophistry. What Deleuze calls the image of thought, the fixation on good recognition, is dependent upon an initial misrecognition in which, if we imagine him looking into a mirror, Socrates convinces himself that he does not see Protagoras.⁴⁹ Philosophy is always attempting to distance itself from its evil twin; it is a problem, as Stanley Fish has already made clear, that will not go away.⁵⁰

Being of law, we are already on the side of the sophist and the rhetorician. In writing this I have claimed a sort of infinity for myself because such a statement cannot be supported by any adequate ground. I claim the truth for sophistry in the same way as one says, “I always lie.” We can easily ignore it as a parlor trick, a tiresome paradox, pretty stupid, or we can regard it as something no recognition ever was: self-supporting and therefore not separated from itself. That is, *really* stupid. Being a sort of opaque thickness, we are never going to decide about anything between ourselves. Unlike the self-evident truth imagined by Socrates, it does not take just two⁵¹—there will have to be judges and witnesses as well. That is, there will have to be persuasion and enthusiasm if we are going anywhere. We therefore remain firmly under the sign of stupidity because, as Ronell writes, there is something

⁴⁸ KEITH CROME, LYOTARD AND GREEK THOUGHT: SOPHISTRY 22 (Palgrave Macmillan 2004).

⁴⁹ *Id.*

⁵⁰ See Stanley Fish, *Rhetoric*, in DOING WHAT COMES NATURALLY: CHANGE, RHETORIC, AND THE PRACTICE OF THEORY IN LITERARY AND LEGAL STUDIES 471, 480 (Clarendon Press 1989). Fish rightly states that “the history of Western thought could be written as the history of this quarrel”—that is, the quarrel between the friends and enemies of rhetoric. *Id.* at 484. For a discussion of Richard Kimble’s embodiment of “mid twentieth-century liberalism” in *The Fugitive*, see Stanley Fish, *The Fugitive in Flight: Law, Freedom, and Liberalism in a Classic TV Show*, 31 CARDOZO L. REV. 1113, 1121 (2010).

⁵¹ CROME, *supra* note 48, at 32.

inherently stupid about trials and tests of any kind because they are always geared to an assessment and a decision, as if these latter *were* the truth, rather than functioning as truths.⁵² But without that useful fiction, we will be here all day.

In which case it is difficult to side with those who are always going on about the monolithic nature of law, its claims to eternal unchangingness and universal application, and seeing in this something that lacks fabrication and creativity. In such a view, law becomes an empty thing that is simply opposed to creativity. But it is not empty; it is full of stupidity!⁵³ We should insist upon thinking of the law as a creative thing, as an engenderer of passions and affects. We might not like these affects, but it is pointless trying to claim the moral high ground by insisting that they are not affects at all. The error is to take the law at face value, for criticizing it for a lie that is already out in the open. One cannot but think that there is a great sadness in many critical legal scholars who seem to accuse the law of not living up to what they imagine it to be, who have been let down by a law that has not lived up to its word. We should be a little less gullible and take the creativity of law as read, remembering as we do so that creativity is not another word for redemption.⁵⁴

Because rhetoric is about making us *feel* that something is right, it seeks to harness the power of images—not as picturesque or flowery language, but in the sense that in persuading, one is seeking to make something felt and thought that was not previously, causing an upheaval of the prior ground upon which things seemed so firmly fixed. This is as true of changing another's mind as of making it up for them. Such a process falls into both kinds of stupidity: dealing with the undifferentiated or not yet clearly discerned on the one hand; and with the narrowing limitation on the other, of the now determined and clearly defined. Deleuze's "individuation" is both at once, a clear obscurity and a defined fuzziness.⁵⁵ It is the image in Spinoza's sense: The increase and decrease of intensity as images combine. This art of the combination of images is rhetoric.

This drama is well described by Goodrich, whom it is worth quoting at length:

⁵² RONELL, *supra* note 5, at 70.

⁵³ Equally problematic, the reverse move is then made, whereby creativity ("aesthetics") simply becomes the negative of "the law" and about as interesting. *See, e.g.*, COSTAS DOUZINAS & LYNDA NEAD, *LAW AND THE IMAGE* (Univ. of Chicago Press 1999); ADAM GEAREY, *LAW AND AESTHETICS* (Hart Publishing 2001).

⁵⁴ A very good example of a writer being so duped is presented in ALISON YOUNG, *JUDGING THE IMAGE: ART, VALUE, LAW* (Routledge 2005). A refreshing alternative has recently appeared in ALEXANDRE LEFEBVRE, *THE IMAGE OF LAW: DELEUZE, BERGSON, SPINOZA* (Stanford Univ. Press 2008), which insists upon law's creativity. However, in my opinion, the argument as presented ultimately fails because of a sustained misreading of Deleuze.

⁵⁵ DELEUZE, *supra* note 4, at 48.

The issue is that of how the law is best transmitted and retained, according to what passage of the image and by means of which form of custody. . . . For the defenders of the image it was not difficult to argue both its greater power and also its many pragmatic advantages over the word. It was closer to its source and free of all need for interpretation: the image takes the place of the orator and forms a more direct inward picture than can be achieved through words, whether printed or spoken. Words require translation or “change of shape” from their textual or auditory form to an inward and visible form. At their most powerful, words are visible, they are images and can be seen, they are uttered to the eyes. . . . The denunciation of the image becomes the model and form for the denunciation of rhetoric or oratory.⁵⁶

Goodrich relates how image and word are opposed on one level while becoming indistinct on another. However, this is the whole, never-ending problem. The word, the need for interpretation, might suspend the image in order to assert itself, but it only can do so by acting as an image, by affecting before communicating. At the same time, the image—because all images pass through it—is in danger of becoming overwhelming, so that it quickly ceases to be self-evident, requiring the interpretation of the word, or at least some manner of editing and montage. In other words, the image quickly needs other images.⁵⁷

Goodrich goes on to argue that the history of Western law is inextricably linked to the increasing repression of the image, even suggesting that “rhetoric is the pre-modern form of psychoanalysis”⁵⁸ inasmuch as it seeks to reveal the repressed and reinstitute the affect of the image. However, the point is that the repression of the image, such as it is, can only ever proceed by way of the image. The word, representation, and the monolithic nature of law are always on the other side, on the side of what they apparently reject and repress, and can only operate via them. Both icon and idol,⁵⁹ rhetoric needs to be produced.

⁵⁶ PETER GOODRICH, *OEDIPUS LEX: PSYCHOANALYSIS, HISTORY, LAW* 66 (Univ. of Cal. Press 1995).

⁵⁷ Here we agree with Henri Bergson’s argument that an image is something between a thing and a representation. See GUERLAC, *supra* note 38, at 182-84. As she makes clear, while the image is not separated from itself, this does not mean that it is a “presence” in any naïve sense. Rather, the image is independent of any perceiving consciousness. *Id.* at 157. At the same time, for present action to occur, a relevant image must be selected from memory that in some way aids or corresponds to the demands of the present. *Id.* at 130-33. Where Deleuze will extend Bergson is in pointing out that the selector—that is, the operation of extracting an image from memory—is itself an image. See DELEUZE, *CINEMA 1*, *supra* note 35, at 58.

⁵⁸ GOODRICH, *supra* note 56, at 181.

⁵⁹ *Id.* at 112.

VI. WHAT IS CINEMA (REDUX)?

Here we return to Wenders, because this is the problem that he is concerned with: How to produce rhetoric that is truthful in its affect? This also bends back round to a type of jurisprudence, insofar as the problem is one that can be stated in terms of justice: Following Godard, how to do justice with the image? The short answer to this is that the image must be an image of openness, an image of change and the possibilities of change. The image can always be otherwise. This means that in the end, the only thing between the image and representation is that the latter denies this potential, indicating not what could be the case, but what is the case. So the problem is not with a false dichotomy, between image and representation, but a political one of how power is exercised.⁶⁰ With a certain pomposity I can say: Justice is being prepared to act on hypotheses rather than certainties.⁶¹

How does Wenders work this through? As noted above, Wenders was initially resistant to narrative, story, and editing, seeing them as imposing a sort of straitjacket on the affective power of images. However, he quickly came to realize that not only are these things inevitable byproducts of the image, but they are also crucial if the image is to be affective, if it is not to be so broad and indistinct that its power dissipates. This latter point seems to become a more pressing concern as his writings and interviews proceed. In the early film *Alice in the Cities* (1974), Wenders shows his concern that—confined to television and interrupted by advertisements—film itself is reduced to advertisement, to what Deleuze refers to as “information” and “communication.”⁶² Wenders links this concern to an unstoppable proliferation of images, precisely the dissipation of their power in a swamp of images without distinction:

Yes, and in my opinion that's one of the worst diseases of our civilization, being exposed to such an inflation of images. . . . by now each one of us is exposed to such an overdose of images each day of his life that it seems almost anachronistic to say as I just said: images have a potential for truth. Of course, with the inflation in

⁶⁰ See MICHAEL HARDT & ANTONIO NEGRI, *EMPIRE* (Harv. Univ. Press 2001) for a problematic analysis of the politics of affect—that is, of power and communication.

⁶¹ It might be said that this is why the law is not creative, because it decides what a case *is* about. However, I find this to be too over-determined: It reduces a case down to the matter of adjudication and consequently cuts it off from all of the other cases, both past and future, that it is combined with. We should not think of judgment as redeeming one of the parties and damning the other, but of the process by which judgment is made possible. In other words, we shouldn't buy the line that law is a monolith or arcane specialism when this is proffered either by the law itself, or by those who seek to criticize it on such a basis.

⁶² See DELEUZE, *What Is the Creative Act?*, in *TWO REGIMES OF MADNESS*, *supra* note 30, at 320-21.

their numbers, each image has to contain less of the truth. In spite of that, I believe that the cinema, where it's so difficult to obtain each individual image, is a kind of last stronghold for that sense of an image I spoke about earlier.⁶³

Image must not be over-determined by narrative, but Wenders finds that if loosened too much from narrative, images become overinflated and indistinct. It is as if we needed to pull back in order to see less of the detail and more of the setting, not to be inundated by a deluge of images, of having to see many equalized perspectives, but to see the *imageness* of images, the perspective on perspective. This "imageness" is the affective capacity of images, the fact of their combination. What Wenders is concerned with here is not so much an increase in the number of images, but in the quality of their presentation, and in this regard, cinema becomes a method for distinguishing quality. However, quality is not restricted to a matter of aesthetic judgment or taste, but is more broadly concerned with the problem of justice. With aesthetics we are damned to an ever-increasing number of image presentations and the inversely declining apparatus or tools for evaluating them. With justice, however, we confront the combination of images, and if we follow Spinoza and Deleuze, we would have to say that regardless of how many images there might be, they are all combined with the image of the one or being. It is not the case that we can simply add them all up to get a final sum of what exists, but exactly the other way round: Images are not "in" a greater image of being, but the image of being is immanent to all images.⁶⁴ This is the openness of images.

This point is well appreciated by Wenders:

The most politically indoctrinating thing you can do to a human being is to show him, every day, that there can be no change. But by showing that something is open to change, you keep the idea of change alive. And that for me is the only political act of which cinema is capable: keeping the idea of change going. Not by calling for change. You achieve very little by that, I find. Maybe you need to do that sometimes, to call for change. But the really political act that cinema is capable of is making change possible, by implication, by not gumming up people's brains and eyes.⁶⁵

One is always implicated in something and can engage by calling for change—this is what Deleuze and Guattari call molar politics, and

⁶³ See WENDERS, *supra* note 41, at 327.

⁶⁴ Important for Deleuze is Spinoza's refusal of any hierarchy by which one could approach God, or nature, through successive stages—the idea that being emanates from a single, distant source. Rather, being is directly accessible in the most to hand and banal thing or situation. See DELEUZE, *EXPRESSIONISM IN PHILOSOPHY*, *supra* note 36, at 322.

⁶⁵ WENDERS, *supra* note 41, at 333.

they of course recognize its validity and importance.⁶⁶ However, there is also a micro politics, and it is this that we can think of Wenders emphasizing here, in a sense in its most “micro” version: the possibility of change itself, of recombination. How to show this possibility in a specific way? Wenders addresses this explicitly via at least two of the films he has been involved with: *Until the End of the World* (1991) and *The End of Violence* (1997). Taken together, these two films are interesting because one emphasizes the power of narrative, and the other the power of images.

Until the End of the World involves a character named Claire who becomes addicted to images. However, rather than an overwhelming flood of images, Claire is transfixed by a much more limited supply—limitation being a necessary adjunct to addiction. The film involves a machine that can record a person’s memory and dream images, and it is these to which Claire has become addicted. She constantly watches a portable screen playing back her memories to herself, desperate that the batteries should not run out. The screen screens Claire off from the world, and she becomes indifferent to what is happening to her loved ones around her.

Obviously, we can discern a number of things going on here, but the point to note is that Wenders’s concern over images, over their sophistication, is imprinted in the film much as a mark can be impressed upon a landscape. While it is not the more common fear of a deluge of images, the outcome is the same: Images that have become too over-determined for her seduce Claire, cutting her off from the immediate concerns of daily life and placing her in a non-place, a weak or sad reality. The truth of these images is extremely limited, and their fictions no longer useful. It is the lapse identified by Bergson, where the leap back into memory has become detached from the contingencies of present action.⁶⁷ In short, images by themselves, although the source of truth, are not automatically productive of it—they are not innately oriented toward the true. The “cure” for Claire is narrative. Eugene, her ex-partner, weans her from her image addiction by reading to her the account he has written of the events that have befallen them in the course of the film.

This narrative allows Claire to begin to order images again, bringing her back from a sort of catatonia. However, we should not think that narrative, story, or plot have become superior to images in the logic of the film. The narrative is the story of one character, Eugene,

⁶⁶ GILLES DELEUZE & FÉLIX GUATTARI, *A THOUSAND PLATEAUS* 276 (B. Massumi trans., Athlone Press 1988).

⁶⁷ See BERGSON, *supra* note 38, 1-85. See also what Deleuze has to say about the dreamer and the automaton in his *BERGSONISM* 66-67 (Hugh Tomlinson & Barbara Habberjam trans., Zone Books 1988).

and is—of course—a story within a story, a device within the film itself. The point is that narrative here is functioning as an image. Claire's addiction was an addiction to fragments, and these fragments were not combinable into any new arrangement relevant to the present. They were a truth of what had been, and not the truth of what could be: Her addiction stemmed from the fact that she no longer needed to engage in the production of truth. This ability for engagement became atrophied under the consumption of images that now performed this function on her behalf. What mattered was not selecting and combining images, but rather merely preserving them. It became a matter of collecting each and every fragment to constitute as complete a record as possible. Faced with the inability to know what was of relevance, Claire reacted with the knee-jerk response of the bureaucrat in wanting to keep everything. Such record keeping is only possible once the possibility for change has been reduced to a minimum.

Eugene's narrative reawakens in her the ability to perceive the imageness of images, allowing her to remember that the complete story cannot be given, in words, images, or any other medium. Claire is brought back to her own status as an image, meaning not as a character in a film, but as an image in the sense that any person is one. The image of Claire is not a center around which her memory fragments are ordered in a kind of radial emanation, but is an image that must pass through other images, and in this passing acts as any image acts: selecting, being selected by, and combining with other images. It would seem that the catatonic is one who has lost the feel for stupidity (formless individuation), lacking the naïveté to be able to turn their ignorance into a strength.⁶⁸

Arguably, *The End of Violence* extends Claire's solipsism to society in general, and thus returns us to the relation between justice and the image. To do justice in this film means to be able to see that another way of being is possible, that new relations and combinations can be formed. However, this is not simply a case that "anything goes," but precisely that hard work has to be undertaken to find out how things can be otherwise, risks must be taken, dead ends encountered, frustrations experienced. Mike, a central character of the film, certainly comes to see the possibility of change, but the experience is a painful and an often extreme one for him. As the film progresses, Mike sees more, and begins to think and feel otherwise. At the start, we see him in a tightly cropped close up, hooked up to phone and computer, looking out over the Pacific from his Beverly Hills home. This view is empty to him,

⁶⁸ Stupidity is not merely not-knowing, as we have seen, but an attitude towards not-knowing, akin to the kind of affirmative chance encapsulated in the single throw of the die praised by both Nietzsche and Deleuze. See IAN HACKING, *THE TAMING OF CHANCE* 147-50 (Cambridge Univ. Press 1990).

despite the fact that it is populated by Mexican gardeners. Indeed, Mike will soon be forced to see these gardeners afresh by effectively becoming one of them.

In other words, Mike begins from a position of ignorance, of not knowing, and what he does not know does not interest him. It is not that he does not want to add to his knowledge (which is neither here nor there),⁶⁹ but that the potential of his non-knowledge as such, of stupidity, is not open to him. However, Mike is just one prong of *End*'s criticism (it is not incidental that Mike is a successful film producer), being a case study of a more generalized problem marked by not only Hollywood's hijacking of the image, but also that of the government's. Ray, another character, works in the famous Griffiths Observatory, now converted from surveying the stars to surveying the population. Sitting amongst banks of screens relaying CCTV images from all over Los Angeles, Ray is separated from images—like Claire (but for different reasons), he is unable to combine these images, being only a distant, non-committed observer. Ray effectively refuses his own being as image by making himself an absent center, a point to which images are directed, but without him ever taking responsibility for what this might entail (the possibility for change).

However, Ray does have doubts about what he is doing, or more to the point, what he is doing for the government. At one point he is told by a mysterious government agent that his work will help bring an end to violence. But of course, he is only helping to perpetuate a more profound violence, the violence of images that have been made fragments, drained of their "truth" or power of combining. Like the poison spoken of by Spinoza, Ray's images gestate sadness because they are separated from what they could do.

The ambivalence of images is evident in *End*, but this ambivalence is the condition of doing justice. On the one hand, as Mike's story progresses, we move from tight, close-up shots, usually of his face, to much broader images where he is increasingly part of the landscape—Mike comes to be located in a situation where change is possible and where he is thus able to take meaningful responsibility for how images interact. On the other hand, Ray has a broad perspective, but the condition of this ability to see all is powerlessness. Whereas Mike initially sees too narrowly, Ray sees in an undifferentiated manner, being unable to tell just what it is he is looking at. In other words, Ray lacks any narrative for what he sees. In *End* we see on a number of occasions images of downtown Los Angeles, but in each a CCTV camera is placed in the foreground. The viewer can then understand

⁶⁹ And might even be a handicap, as Deleuze notes in this nice put-down: "Intellectuals are wonderfully cultivated, they have views on everything." GILLES DELEUZE, *NEGOTIATIONS* 137 (M. Joughin trans., Colum. Univ. Press 1995).

that this cityscape is now subject to a vision machine that wants to see regularity and order. It wants to see, that is, in just the way Claire saw in *Until the End of the World*: an observer removed from what is observed.

In fact, to be a located observer, to be an image combining with other images, is potentially dangerous. In early 2009, the British Transport Police placed a poster in the London Tube that depicted mothers with children in a town center. Behind them was a CCTV camera elevated on a pole. The caption stated⁷⁰ that these members of the public had been saved from terrorist activity because a citizen (or rather, a “shopper”) had informed the authorities that someone had been watching this CCTV camera, presumably calculating the range and coverage of the camera while planning a terrorist attack. In other words, the message of this advertisement was that to look at the camera, to focus upon its presence, was to make oneself an object of suspicion. One must not notice the watcher, one must not be there. The advertisement carried a message that one imagines Wenders would find abhorrent: that the CCTV determines the potential of images, fixing and regulating them, determining what they are at the expense of what they could do.

VII. WHAT IS THE CONCLUSION?

I'll tell you later.

⁷⁰ Specifically, the poster stated, “A bomb won’t go off here because weeks before a shopper reported someone studying the CCTV cameras. Don’t rely on others. If you suspect it, report it.” The poster can be viewed at http://www.met.police.uk/campaigns/counter_terrorism/sheet_road_cctv.pdf.